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The 6th April, 1973

No. DOL/HR/73/192.—The Governor of Haryana is pleased to select the following persons as Judges for the supervision of the Weekly Draw to be held on the 9th April, 1973.

1. Shri R. L. Behl,
Income Tax Officer,
Chandigarh.
2. Shri I. K. Sanan,
Executive Engineer,
Public Health Division No. 1,
Capital Project,
Chandigarh.
3. Shri Y. L. Mehta,
Manager, United Commercial Bank,
Chandigarh.
4. Shri H. K. L. Bakshi,
House No. 27, Sector 7-A,
Chandigarh.
5. Mrs. Sharma,
W/O Shri D. D. Sharma, I.A.S.,
Commissioner, Revenue and
Secretary to Government, Haryana,
Revenue Department, Chandigarh.

H. K. JAIN, I.A.S.,
Director of Lotteries and Deputy
Secretary to Government, Haryana.
Finance Department.

LABOUR DEPARTMENT

The 6th April, 1973

No. 3650-4Lab-73/10967.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and management of M/s Rubber House, Bahadurgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 166 of 1972

between

SHRI PEEP SINGH AND THE MANAGEMENT OF M/S RUBBER HOUSE, BAHADURGARH.

Present :

Shri Onkar Parshad, for the workman.
Shri S.K. Jain, for the management.

AWARD

By order No. ID/RK/91-A-72/18284-89, dated 18th May, 1972 of the Governor of Haryana, the following dispute between the management of M/s Rubber House, Bahadurgarh and its workman Shri Peep Singh, Chowkidar was referred for adjudication to this court in exercise of the powers conferred by clause (c) or Sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Peep Singh was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties. The workman has reiterated his claim for reinstatement with back wages alleging that he had been working honestly since April, 1970 but his services had been illegally terminated by the management on 24th December, 1971 without any justification. The management contested his claim mainly on the ground that he had left the job of his own accord and had received payment of Rs. 364.70 in full and final settlement of his all claims against the management. An objection as to the validity of reference was also raised. My learned predecessor framed the following issues in the case.

1. Whether the reference is illegal?
2. Whether the workman has left his job of his own accord?

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3. Whether a settlement has been arrived at between the parties under which the workman has received Rs. 364.70 in full and final settlement and he is not entitled to any other relief?
4. If the above issues are found in favour of the workman, whether the termination of services of Shri Peep Singh was justified and in order? If not, to what relief he is entitled?

The management has examined its Time-keeper Shri K.R. Yadav M.W. 1 who has stated that this workman had been guilty of committing theft of a wooden frame structure of a machine for which he was charge-sheeted on 24th December, 1971 but he had refused to accept the charge-sheet and had further started absenting himself from duty. He has further deposed that he approached the Head Watchman on 27th December, 1971 and expressed his desire for the settlement of his account as he was no longer interested in serving in this factory. According to this witness the account of the workman was settled on 28th December, 1971 and a sum of Rs. 364.70 was paid to him in full and final settlement of his entire claims against the management *vide* vouchers Exhibit M.W.1/1 and M.W. 1/2. He has proved some other documents Exhibits M.W. 1/3, M.W. 1/4, complaints made by Shri Bed Singh, Head Watchman Exhibit M.W. 1/5, M.W. 1/6, M.W. 1/7, M.W. 1/8, letters written by the workman Exhibit M.W. 1/9 to M.W. 1/11, reports made by the Head Watchman and Exhibit M.W. 1/12 the charge-sheet given to the workman.

The workman has made his own statement and examined one witness Shri Rai Singh, W.W. 1. According to the workman there were 3 chowkidars including the Head Watchman who were all junior to him. He has denied the allegations of the management that he had left service of his own accord. He has admitted his signatures on some of the documents produced by the management including the receipt Exhibit M.W. 1/1 but not on the receipt Exhibit M.W. 1/2 for Rs. 282.26. He has further admitted that at present he is working in some school under the Delhi Administration.

The case has been argued on both sides and I have given a careful consideration to the facts on record.

Nothing worth consideration has been urged on behalf of the management with regard to issue No. 1 to show as to how the present reference is illegal. The issue is decided against the management.

Issues Nos. 2 and 3 are more or less inter-related and may safely be taken up together. The case for the management is that this workman had been guilty of the theft of some property belonging to the factory for which he was charge-sheeted but he had refused to accept the charge-sheet and had started absenting himself from duty and finally he had approached the Head Watchman for the settlement of his account as he was no longer interested in serving in this factory. His account was accordingly settled and a sum of Rs. 364.70 was paid to him against vouchers Exhibits M.W. 1/1 and M.W. 1/2 (copies), the original vouchers signed by the workman having also been shown to him. This has been proved from the statement of the Time-keeper M.W. 1. The management has further brought on record certain reports of the Head Watchman against this workman showing neglect of duty on his part. The material brought on record, oral as well as documentary, taken together gives the impression that the management was not satisfied with the work and conduct of this workman and he had, therefore, asked for the settlement of his account and received payment of Rs. 364.70 in full and final settlement of his claims against the management. He has not been able to rebut the evidence of the management successfully. Issue Nos. 2 and 3 are, therefore, decided against the workman and in favour of the management and it is held that after settlement of his account and receipt of his full dues, the workman had left service of his own accord.

In view of the above, the workman is not entitled to any relief by way of reinstatement and back wage. The award is made accordingly. There shall be no order as to costs.

Dated, the 23rd March, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 957, dated the 29th March, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer.
Labour Court, Haryana,
Rohtak.